



General Assembly

January Session, 2017

Raised Bill No. 999

LCO No. 4952



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING PERMITTING PROCEDURES FOR WASTE
CONVERSION FACILITIES AND THE USE OF COW MANURE IN
ANAEROBIC DIGESTION FACILITIES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2017*) For purposes of title 16 of
2 the general statutes and any anaerobic digestion facility permitted
3 pursuant to section 22a-207 of the general statutes, as amended by this
4 act, anaerobic digestion shall be derived from an anaerobic digestion
5 facility that utilizes not less than thirty per cent manure for its
6 operation, including, but not limited to, the production of digestate.

7 Sec. 2. (NEW) (*Effective October 1, 2017*) The Commissioner of
8 Agriculture shall develop educational information for persons
9 engaged in farming in the state concerning the benefits of utilizing
10 anaerobic digestion facility digestate in lieu of raw manure. Such
11 information shall discuss the frequency with which such digestate may
12 be utilized and any environmental benefits of such digestate. The
13 commissioner shall cause such information to be posted on the Internet
14 web site of the Department of Agriculture.

15 Sec. 3. Section 22a-207 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2017*):

17 For the purposes of this chapter and chapter 103b:

18 (1) "Commissioner" means the Commissioner of Energy and
19 Environmental Protection or his authorized agent;

20 (2) "Department" means the Department of Energy and
21 Environmental Protection;

22 (3) "Solid waste" means unwanted or discarded solid, liquid,
23 semisolid or contained gaseous material, including, but not limited to,
24 demolition debris, material burned or otherwise processed at a
25 resources recovery facility or incinerator, material processed at a
26 recycling facility and sludges or other residue from a water pollution
27 abatement facility, water supply treatment plant or air pollution
28 control facility;

29 (4) "Solid waste facility" means any solid waste disposal area,
30 volume reduction plant, transfer station, wood-burning facility or
31 biomedical waste treatment facility;

32 (5) "Volume reduction plant" means any location or structure,
33 whether located on land or water, where more than two thousand
34 pounds per hour of solid waste generated elsewhere may be reduced
35 in volume, including but not limited to, resources recovery facilities,
36 waste conversion facilities and other incinerators, recycling facilities,
37 pulverizers, compactors, shredders, balers and composting facilities;

38 (6) "Solid waste disposal area" means any location, including a
39 landfill or other land disposal site, used for the disposal of more than
40 ten cubic yards of solid waste. For purposes of this subdivision,
41 "disposal" means the placement of material at a location with the intent
42 to leave it at such location indefinitely, or to fail to remove material
43 from a location within forty-five days, but does not mean the

44 placement of material required to be recycled under section 22a-241b
45 in a location on the premises of a recycling facility, provided such
46 facility is in compliance with all requirements of state or federal law
47 and any permits required thereunder;

48 (7) "Recycling" means the processing of solid waste to reclaim
49 material therefrom;

50 (8) "Recycling facility" or "recycling center" means land and
51 appurtenances thereon and structures where recycling is conducted,
52 including but not limited to, an intermediate processing center as
53 defined in section 22a-260;

54 (9) "Resources recovery facility" means a facility [utilizing processes
55 to reclaim energy from municipal solid waste] that combusts
56 municipal solid waste to generate electricity;

57 (10) "Waste conversion facility" means a facility that uses thermal,
58 chemical or biological processes to convert solid waste, including, but
59 not limited to, municipal solid waste and organic farm waste, into
60 electricity, heat, animal bedding, soil amendment, fuel, gas, chemical
61 or other products and that is not a facility that combusts mixed
62 municipal solid waste to generate electricity;

63 [(10)] (11) "Transfer station" means any location or structure,
64 whether located on land or water, where more than ten cubic yards of
65 solid waste, generated elsewhere, may be stored for transfer or
66 transferred from transportation units and placed in other
67 transportation units for movement to another location, whether or not
68 such waste is stored at the location prior to transfer;

69 [(11)] (12) "Municipality" means any town, city or borough within
70 the state;

71 [(12)] (13) "Municipal authority" means the local governing body
72 having legal jurisdiction over solid waste management within its

73 corporate limits which shall be, in the case of any municipality which
74 adopts a charter provision or ordinance pursuant to section 7-273aa,
75 the municipal resource recovery authority;

76 [(13)] (14) "Regional authority" means the administrative body
77 delegated the responsibility of solid waste management for two or
78 more municipalities which have joined together by creating a district
79 or signing an interlocal agreement or signing a mutual contract for a
80 definitive period of time;

81 [(14)] (15) "Region" means two or more municipalities which have
82 joined together by creating a district or signing an interlocal agreement
83 or signing a mutual contract for a definite period of time concerning
84 solid waste management within such municipalities;

85 [(15)] (16) "Solid waste management plan" means an administrative
86 and financial plan for an area which considers solid waste storage,
87 collection, transportation, volume reduction, recycling, reclamation
88 and disposal practices for a twenty-year period, or extensions thereof;

89 [(16)] (17) "Municipal collection" means solid waste collection from
90 all residents thereof by a municipal authority;

91 [(17)] (18) "Contract collection" means collection by a private
92 collector under a formal agreement with a municipal authority in
93 which the rights and duties of the respective parties are set forth;

94 [(18)] (19) "Solid waste planning region" means those municipalities
95 within the defined boundaries of regional councils of governments or
96 as prescribed in the state solid waste management plan;

97 [(19)] (20) "Biomedical waste" means infectious waste, pathological
98 waste and chemotherapy waste generated during the administration of
99 medical care or the performance of medical research involving humans
100 or animals and which, because of its quantity, character or
101 composition, has been determined by the commissioner to require

102 special handling but excluding any solid waste which has been
103 classified by the department as a hazardous waste pursuant to section
104 22a-115 or is a radioactive material regulated pursuant to section 22a-
105 148;

106 [(20)] (21) "Generator of biomedical waste" means any person who
107 owns or operates a facility that produces biomedical waste in any
108 quantity, including, but not limited to the following: General hospitals,
109 skilled nursing facilities or convalescent hospitals, intermediate care
110 facilities, chronic dialysis clinics, free clinics, health maintenance
111 organizations, surgical clinics, acute psychiatric hospitals, laboratories,
112 medical buildings, physicians' offices, veterinarians, dental offices and
113 funeral homes. Where more than one generator is located in the same
114 building, each individual business entity shall be considered a separate
115 generator;

116 [(21)] (22) "Biomedical waste treatment facility" means a solid waste
117 facility capable of storing, treating or disposing of any amount of
118 biomedical waste, excluding any facility where the only biomedical
119 waste treated, stored or disposed of is biomedical waste generated at
120 the site and any licensed acute care facility or licensed regional
121 household hazardous waste collection facility accepting untreated
122 solid waste generated during the administration of medical care in a
123 single or multiple family household by a resident of such household;

124 [(22)] (23) "Throughput" means the amount of municipal solid waste
125 processed by a resources recovery facility determined by dividing the
126 average annual tonnage of municipal solid waste by three hundred
127 sixty-five days;

128 [(23)] (24) "Municipal solid waste" means solid waste from
129 residential, commercial and industrial sources, excluding solid waste
130 consisting of significant quantities of hazardous waste as defined in
131 section 22a-115, land-clearing debris, demolition debris, biomedical
132 waste, sewage sludge and scrap metal;

133 [(24)] (25) "Wood-burning facility" means a facility, as defined in
134 section 16-50i, whose principal function is energy recovery from wood
135 for commercial purposes. "Wood-burning facility" does not mean a
136 biomass gasification plant that utilizes land clearing debris, tree
137 stumps or other biomass that regenerates, or the use of which will not
138 result in a depletion of, resources;

139 [(25)] (26) "Person" has the same meaning as in subsection (b) of
140 section 22a-2;

141 [(26)] (27) "Closure plan" means a comprehensive written plan,
142 including maps, prepared by a professional engineer licensed by the
143 state that details the closure of a solid waste disposal area and that
144 addresses final cover design, stormwater controls, landfill gas controls,
145 water quality monitoring, leachate controls, postclosure maintenance
146 and monitoring, financial assurance for closure and postclosure
147 activities, postclosure use and any other information that the
148 commissioner determines is necessary to protect human health and the
149 environment from the effects of the solid waste disposal areas;

150 [(27)] (28) "Designated recyclable item" means an item designated
151 for recycling by the Commissioner of Energy and Environmental
152 Protection in regulations adopted pursuant to subsection (a) of section
153 22a-241b, or designated for recycling pursuant to section 22a-208v or
154 22a-256;

155 [(28)] (29) "Composting facility" means land, appurtenances,
156 structures or equipment where organic materials originating from
157 another process or location that have been separated at the point or
158 source of generation from nonorganic material are recovered using a
159 process of accelerated biological decomposition of organic material
160 under controlled aerobic or anaerobic conditions;

161 [(29)] (30) "Source-separated organic material" means organic
162 material, including, but not limited to, food scraps, food processing
163 residue and soiled or unrecyclable paper that has been separated at the

164 point or source of generation from nonorganic material.

165 Sec. 4. Section 22a-207a of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2017*):

167 (a) As used in [sections] section 22a-208d [, 22a-208q] and subsection
168 (b) of section 22a-228: (1) "Composting" means a process of accelerated
169 biological decomposition of organic material under controlled
170 conditions; and (2) "mixed municipal solid waste" means municipal
171 solid waste that consists of mixtures of solid wastes which have not
172 been separated at the source of generation or processed into discrete,
173 homogeneous waste streams such as glass, paper, plastic, aluminum or
174 tire waste streams provided such wastes shall not include any material
175 required to be recycled pursuant to section 22a-241b. [, and (3) "mixed
176 municipal solid waste composting facility" means a volume reduction
177 plant where mixed municipal solid waste is processed using
178 composting technology.]

179 (b) As used in this chapter, "end user" means any person who uses a
180 material for such material's original use or any manufacturer who uses
181 a material as feedstock to make a marketable product.

182 Sec. 5. Section 22a-208d of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective October 1, 2017*):

184 (a) On and after July 1, 1989, the Commissioner of Energy and
185 Environmental Protection shall not issue a permit under section 22a-
186 208a to construct or expand a resources recovery facility [or a mixed
187 municipal solid waste composting facility] where any mixed municipal
188 solid waste will be processed or a disposal area for ash residue
189 generated by resources recovery facilities or mixed municipal solid
190 waste unless said commissioner makes a written determination that
191 such facility or disposal area is necessary to meet the solid waste
192 disposal needs of the state and will not result in substantial excess
193 capacity of resources recovery facilities [, or disposal areas. [or mixed
194 municipal solid waste composting facilities.]

195 (b) The commissioner shall publish, at the expense of the applicant,
196 notice of the preliminary determination of need for the proposed
197 facility or disposal area in a newspaper having a substantial circulation
198 in the area affected. Publication shall be within sixty days of
199 determination by the commissioner that the application is complete.
200 Any person may submit written comments on the preliminary
201 determination of need in the same manner as provided by the
202 commissioner for the submission of comments on the application. The
203 commissioner shall not make a final determination of need for the
204 facility or disposal area unless a permit is issued. A preliminary
205 determination of need shall be void if a permit is not issued. As used in
206 this section, "preliminary determination of need" means a statement by
207 the commissioner of the need for a resources recovery facility [, a
208 mixed municipal solid waste composting facility] or disposal area
209 during the pendency of an application to construct such facility or
210 area.

211 (c) (1) The applicant for a permit to construct or expand a resources
212 recovery facility [or a mixed municipal solid waste composting facility]
213 requiring a determination of need under subsection (a) of this section
214 shall provide such information as the commissioner deems necessary,
215 including but not limited to:

216 (A) The design capacity of the proposed facility;

217 (B) The planned operating rate and throughput for the facility;

218 (C) An explanation of any difference between the information
219 provided under subparagraphs (A) and (B) of this subdivision;

220 (D) The estimated amount of the following: (i) The mixed municipal
221 solid waste generated by and received from each municipality and
222 other customers that will send waste to the facility, in tons per day
223 evidenced by contracts or letters of intent, (ii) the mixed municipal
224 solid waste to be recycled pursuant to regulations adopted by the
225 commissioner under section 22a-241b, and (iii) change in the amount

226 of mixed municipal solid waste generated because of population
227 growth, waste generation, source reduction and industrial and
228 commercial development over the design life of the facility.
229 Information submitted under this subdivision shall include the
230 methodology used to determine the estimates;

231 (E) A contingency plan for use of facility capacity if throughput
232 declines or increases by at least ten per cent from the throughput
233 estimated in the application;

234 (F) An analysis of reasonable levels of reserve capacity for seasonal
235 peaks and unexpected facility outages;

236 (G) The capability of the applicant to complete the project;

237 (H) The technical feasibility of the proposed facility; and

238 (I) A demonstration that the throughput capacity of the proposed
239 facility, when combined with the throughput capacity of all other
240 resources recovery facilities with permits to construct under the
241 provisions of section 22a-208a [.] and existing resources recovery
242 facilities with construction permits to expand [and mixed municipal
243 solid waste composting facilities,] shall not exceed the total throughput
244 capacity of resources recovery facilities [and mixed municipal solid
245 waste composting facilities] needed to process waste generated in the
246 state as set forth in the solid waste management plan adopted
247 pursuant to section 22a-228.

248 (2) In making the determination required under this section, the
249 commissioner shall consider the information submitted under
250 subdivision (1) of this subsection, the current and anticipated
251 availability of throughput capacity for mixed municipal solid waste at
252 resources recovery facilities, [mixed municipal solid waste composting
253 facilities,] land disposal areas, recycling facilities and other facilities
254 that process or dispose of mixed municipal solid waste that have
255 obtained all necessary permits to construct and any other information

256 the commissioner deems pertinent and shall insure that no waste is
257 accounted for more than once as a result of transfer from one vehicle or
258 facility to another or for any other reason.

259 (d) (1) The applicant for a permit to construct a disposal area for ash
260 residue generated by resources recovery facilities or mixed municipal
261 solid wastes which requires a certificate of need under subsection (a) of
262 this section shall submit such information as the commissioner deems
263 necessary, including but not limited to, (A) the name of the resources
264 recovery facilities or municipalities to be served by the disposal area;
265 (B) the transportation system needed to serve the disposal area; (C) the
266 available capacity of other disposal areas for ash residue or mixed
267 municipal solid waste in the state that have obtained all necessary
268 permits to construct; and (D) the design capacity of the disposal area.

269 (2) In making the determination required under this subsection, the
270 commissioner shall consider the information submitted pursuant to
271 subdivision (1) of this subsection and any other information the
272 commissioner deems pertinent.

273 (e) The provisions of this section shall apply to any application for a
274 permit under section 22a-208a for a resources recovery facility, for a
275 disposal area for ash residue generated by resources recovery facilities,
276 [for a mixed municipal solid waste composting facility] or for a
277 disposal area for mixed municipal solid wastes which is pending on or
278 submitted after July 1, 1989.

279 (f) This section shall not apply to an application for a permit or
280 permit modifications of any resources recovery facility operating as of
281 June 30, 1993, provided there is no expansion after that date of the
282 facility's boilers or waste handling and processing equipment. Any
283 such facility shall comply with all applicable environmental laws and
284 regulations. Nothing in this subsection and no action taken by the
285 commissioner pursuant hereto shall validate or invalidate any permit
286 or determination of need issued or approved prior to June 30, 1993, for

287 any resources recovery facility not operating as of that date, or
288 otherwise affect any action of the commissioner, proceedings or
289 judicial review relating thereto, pending on or commenced after that
290 date.

291 Sec. 6. Section 22a-208q of the general statutes is repealed. (*Effective*
292 *October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	New section
Sec. 2	<i>October 1, 2017</i>	New section
Sec. 3	<i>October 1, 2017</i>	22a-207
Sec. 4	<i>October 1, 2017</i>	22a-207a
Sec. 5	<i>October 1, 2017</i>	22a-208d
Sec. 6	<i>October 1, 2017</i>	Repealer section

Statement of Purpose:

To facilitate the permitting of waste conversion facilities, educate farmers on the benefits of using digestate from anaerobic digestion facilities and facilitate the use of cow manure in such anaerobic digestion facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]